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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/458,820	12/13/1999	WUPING DONG	FUJI-111	9320

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EXAMINER

CHANCE, JANET D

ART UNIT PAPER NUMBER

3626

DATE MAILED: 10/29/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/458,820

Applicant(s)

DONG, WUPING

Examiner

Janet D. Chance

Art Unit

3626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 2 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1 and 2 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☒ The proposed drawing correction filed on 16 August 2002 is: a) ☒ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____ 6) ☐ Other: ____

Art Unit: 3626

DETAILED ACTION

Notice to Applicant

1. This communication is in response to the amendment filed 16 August 2002. Claims 1-2 have been amended.

Drawings

2. The objection to the drawings has been withdrawn.

Specification

3. The objection to the abstract has been withdrawn.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1 and 2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hunt (U.S. Patent 5,781,892), and further in view of Garback (5,237,499) for substantially the same reasons applied in the previous Office Action. Further reasons appear below.

- (A) Claim 1 has been amended to now recite:

Art Unit: 3626

a) “connecting said personal computer to the selected reservation system via the Internet.”

As per this amended limitation, Hunt discloses a communication network (Hunt; Figure 1) in which the personal computers are connected to the CRSs via a frame relay device (18) which uses TCP/IP protocol (Hunt; col. 3, lines 46-49).

b) transmitting “from” said local computer, data including said booking number ...; and

As per this limitation, Hunt teaches a local computer transferring reservation data (Hunt; Figure 1, col. 6, lines 29-34, col. 8, lines 13-30, and col. 10, lines 18-41).

c) “issuing, by said local computer, the ticket booked in said reservation system.”

As per this limitation, Hunt discloses the booking of a reservation (Hunt; col. 6, lines 29-34).

However, Hunt does not expressly disclose the issuing of the ticket by the local computer.

Garback teaches printing of a booked ticket (Garback; Figure 1, and col. 7, lines 20-26). It would have been obvious to one of ordinary skill in the art at the time of the invention to extend the ticket booking system of Hunt to include issuing of the booked ticket with the motivation of operating in a fraction of the time previously required to book a business reservation (Garback; col. 3, lines 47-48).

(B) The amended limitations in claim 2 differ from the amended limitation in claim 1 in that, claim 1 contains a method recited as a series of function steps whereas claim 2 contains features recited in a “means-plus-function” format. As the amended method of claim 1 has been shown to be obvious in view of the combined teachings of Hunt and Garback, it is readily apparent that the “means” to accomplish those method steps is obvious in view of the listed citations of the

Art Unit: 3626

prior art. As such, the amended limitations recited in claim 2 are rejected for the same reasons given above for amended claim 1, and incorporated herein.

Response to Arguments

6. Applicants arguments files and entered on 16 August 2002 have been fully considered but they are not persuasive. Applicant's arguments will be addressed herein below in the order in which they appear in the response.

(A) At page 5 of the 16 August 2002 response, Applicant argues that claims 1 and 2 are rejected for anticipation by Hunt. However, the Hunt rejection was one of obviousness, not anticipation, as evidenced by the statutory 103(a) statement at the beginning of section 4 of the previous Office Action, and further by the obviousness statements regarding the Internet and selection of CRS.

(B) At page 5 of the 16 August 2002 response, Applicant argues that Hunt's client computer might be said to interact "indirectly" with the computer reservation system in contrast to the present application that interacts with the selected CRS via the Internet without the mediation of the net server.

In response to Applicant's argument that the client in Hunt interacts indirectly, Hunt discloses that gateway application (22) shown on the server (14) could be located on the client computer (12) (Hunt; Figure 1 and col. 8, lines 13-14). Further, Hunt discloses both a frame relay access device (Figure 1, element 18) that allows connection to a plurality of CRS systems

Art Unit: 3626

using TCP/IP (Hunt; col. 3, lines 46-49) without the use of the net server (14), and a command source sending commands to the reservation system being the client computer (Hunt; col. 10, lines 18-41).

As such, Examiner respectfully submits that Applicant fails to consider all embodiments, including non-preferred embodiments, disclosed in Hunt as mandated in *In re Lamberti et al*, 192 USPQ 278 (CCPA). In particular, it was determined in *In re Lamberti*, that:

- (i) obviousness does not require absolute predictability;
- (ii) non-preferred embodiments of prior art must also be considered; and
- (iii) the question is not express teaching of references, but what they would suggest.

(C) At page 6 of the 16 August 2002 response, Applicant argues that the steps of: “sending...address information”, “connecting the personal computer to the selected reservation system via the internet”, “transmitting a receiving information including the booking number via the Internet between the personal computer and selected reservation system”, and transmitting data including the booking number from the local computer to the reservation system are “neither disclosed or suggested by Hunt.”

In response to these arguments, Examiner submits that Hunt does disclose these steps as cited by both the prior Office Action in section 4, pages 3-4 and above in the present Office Action. It is respectfully submitted that reference disclosure must be evaluated for all that it fairly suggests and not only for what is indicated as preferred, as mandated in *In re Bozek*, 163 USPQ 545 (CCPA 1969). Further, the test for obviousness is not that the claimed invention is expressly suggested in any one or all of the references. Rather, the test is what the teachings of

Art Unit: 3626

the references would suggest to one of ordinary skill in the art. As such, it is respectfully submitted that Applicant appears to both view only the preferred embodiment and view the embodiments of the applied reference in a vacuum, without considering the knowledge of one of average skill in the art.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The cited but not applied prior art teaches: a ticketing system for booking items using with communication between a terminal and a service location terminal, communications between the terminal and the central processor, and communications between the service location and the central processor (6,356,874 B1).

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Art Unit: 3626

9. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks
Washington, D.C. 20231

Or faxed to:

(703)746-7239 [Official communications]

(703)746-7238 [After Final communications, labeled "Box AF"]

Hand delivered responses should be brought to Crystal Park 2, 2121 Crystal Drive,
Arlington, VA, 4th floor receptionist.

10. Any inquiry concerning this communication or earlier communications from the
examiner should be directed to Janet D. Chance whose telephone number is (703) 305-5356.

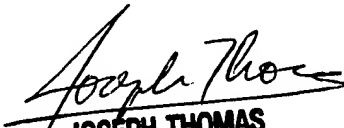
The examiner can normally be reached on M-F 8:00am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's
supervisor, Joseph Thomas can be reached on (703) 305-9588. The fax phone numbers for the
organization where this application or proceeding is assigned are (703) 746-7239 for regular
communications and (703) 746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding
should be directed to the receptionist whose telephone number is (703) 305-3900.

jdc

October 21, 2002



JOSEPH THOMAS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600